HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1020 OF 2007.
IN
SECOND APPEAL NO. 629 OF 1998.

Nandkumar S. Zende. ..Applicant.

Versus.

Smt. Premlabai B. Moghe & others. ..Respondents.

S. G. Kudle for the applicant.

Jai Mhaskar h/f Shri. G. S. Godbole for the respondent no.1.

CORAM: A.S.OKA, J.

DATE: DECEMBER 7, 2007.

P.C.

1. Advocate for the applicant states that the only objection raised in the Second Appeal, which could not be complied, was that the Certified Copy of the grounds of appeal presented in the District Court is not filed. He points out that as the Record and Proceedings (R&P) has been received by this Court, the said objection could not be complied with. The office noting on the second appeal shows that the R&P has been received by this Court.

2. Hence a case for restoration is made out.

Application is allowed in terms of prayer clause (a) subject to condition that if there is any other objection the same shall be removed within a period of six weeks from today.

3. After the objections are removed within the stipulated period, the office will issue notice of restoration to respondent nos. 2 & 3. Respondent no.1 is already represented by Mr. Godbole, Advocate. As and when the appeal is ready, the same shall be placed on final hearing board as per its turn.

(A.S.OKA, J.)